

Express Mail Label No.: **EV 525254605 US**      Date: **July 19, 2006**

**IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

In re Application of:

Hervé Tettelin and Vega Massignani

U.S. Serial No.: 10/525,536

Confirmation No.: 4756

Int'l. Appln. No.: PCT/US03/26827

Group Art Unit: To Be Assigned

Int'l. Filing Date: August 26, 2003

Examiner: To Be Assigned

For: CONSERVED AND SPECIFIC STREPTOCOCCAL GENOMES

**RESPONSE TO THE NOTIFICATION OF MISSING REQUIREMENTS UNDER 35  
U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)", mailed from the United States Patent and Trademark Office on December 19, 2005, enclosed herewith are the following documents. A copy of the notice is attached.

1. **CERTIFICATE OF MAILING VIA EXPRESS MAIL.**
2. **ADDITIONAL CLAIM FEES** of \$200.00 (included in the enclosed check).
3. **DECLARATION FOR PATENT APPLICATION** (two documents).
4. **SURCHARGE** – surcharge fee of \$130.00 (included in the enclosed check).
5. **TRANSMITTAL OF SEQUENCE LISTING AND PRELIMINARY AMENDMENT** (with two replacement duplicate copies of the Sequence Listing on compact disc (Copy 1 and Copy 2) and a computer readable form (compact disc Copy 3) of the Sequence Listing.

07/25/2006 GFREY1 00000058 10525536

02 FC:1617  
03 FC:1614

130.00 OP  
200.00 OP

6. **PETITION FOR EXTENSION OF TIME.**

Applicants hereby petition to extend the time to respond to the Notification of Missing Requirements dated December 19, 2005 for five months from February 19, 2005 to July 19, 2005. The appropriate fee of \$2,160.00 is included in the enclosed check.


7. Check No. 9123 in the amount of \$2,490.00 to cover the above-identified fees.

8. Return Receipt Postcard.

The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication and which may be required under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 03-1664. This, however, is not authorization to pay the issue fee.

Respectfully submitted,

NOVARTIS VACCINES AND DIAGNOSTICS, INC.

By:   
Helen Lee  
Registration No. 39,270

Date: July 19, 2006

NOVARTIS VACCINES AND DIAGNOSTICS, INC.  
Intellectual Property - R440  
P.O. Box 8097  
Emeryville, CA 94662-8097  
Telephone: (510) 923-2192  
Facsimile: (510) 655-3542

07/25/2006 GFREY1 00000058 10525536

01 FC:1255

2160.00 0P

COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/525,536	Herve Tettelin	PP019195.005/CHIRP024

27476  
 Chiron Corporation  
 Intellectual Property - R440  
 P.O. Box 8097  
 Emeryville, CA 94662-8097



INTERNATIONAL APPLICATION NO.	
PCT/US03/26827	
I.A. FILING DATE	PRIORITY DATE
08/26/2003	08/26/2002

CONFIRMATION NO. 4756  
 371 FORMALITIES LETTER



\*OC000000017675142\*

Date Mailed: 12/19/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/24/2005
- Preliminary Amendments filed on 02/24/2005
- Biochemical Sequence Diskette filed on 02/24/2005
- U.S. Basic National Fees filed on 02/24/2005
- Priority Documents filed on 02/24/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$200 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$330 for a Large Entity:

DOCKETED on/by 12/22/05, omw  
 NE Atty. NME PA  
 File # PP019195.0005  
 Due Date 2/19/06 Ext 255 315  
 Final Date 7/19/06 250 310

• **\$130 Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).
- Total additional claim fee(s) for this application is **\$ 200**
  - **\$200 for 3 independent claims over 3.**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

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Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/525,536	PCT/US03/26827	PP019195.005/CHIRP024

FORM PCT/DO/EO/905 (371 Formalities Notice)

PATENT APPLICATION  
U.S. Patent Application No. 10/525,536  
International Application No. PCT/US03/26827  
Attorney Docket No. PP019195.0005

**IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

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Hervé Tettelin and Vega Masignani

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Sir:

Express Mail Label No.: EV 525254605 US

Date of Deposit: July 19, 2006

I hereby certify that the ADDITIONAL CLAIM FEES, DECLARATION FOR PATENT APPLICATION (two documents), SURCHARGE, TRANSMITTAL OF SEQUENCE LISTING AND PRELIMINARY AMENDMENT, PETITION FOR EXTENSION OF TIME, and POSTAL RECEIPT CARD are being deposited with the United Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 19, 2006

By: Sharleen Lane  
Sharleen Lane

NOVARTIS VACCINES AND DIAGNOSTICS, INC.  
Intellectual Property - R440  
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Emeryville, CA 94662-8097  
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